

Tompkins County Water Resources Council

121 East Court Street, Ithaca, N.Y. 14850
 Telephone (607) 274-5560 Fax: (607) 274-5578
www.tompkins-co.org/planning/committees.html

NOV 10 2010

November 5, 2010

Water Docket
 Environmental Protection Agency
 Mail Code 2822T
 1200 Pennsylvania Ave. NW
 Washington DC 20460

Dear Sir/Madam:

Enclosed is a resolution of the Tompkins County Water Resources Council. We forward it to be entered into the record of comments on the proposed Total Maximum Daily Loads for the Chesapeake Bay watershed.

Sincerely,



Frank P. Proto, Chairman

Encl.

cc: Martha Robertson, Chair, Tompkins County Legislature
 Pam Mackesey, Chair, T C Legislature's Planning, Development & Environmental Quality
 Committee
 Craig Schutt, T C Soil & Water Conservation District
 Rachel Crispell, T C Ag & Farmland Protection Board (with encl.)
 Mary Ann Sumner, Supervisor, Town of Dryden (with encl.)
 Don Barber, Supervisor, Town of Caroline (with encl.)
 Ric Dietrich, Supervisor, Town of Danby (with encl.)
 Richard Driscoll, Supervisor, Town of Newfield (with encl.)

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A Resolution Raising Serious Concerns Regarding the Chesapeake Bay Total Maximum Daily Load (TMDL) Regulatory Proposal by the United States Environmental Protection Agency (EPA) and about the assumption of Parity Represented in Load Allocations for the State of New York Compared to Other Bay States and Watershed Jurisdiction Partners; and Requesting Intervention by Our Elected Representatives in the United States Congress, New York State Senate and New York State Assembly in Securing a Moratorium on Regulatory Implementation of the Chesapeake Bay TMDL in New York Until all major Objections and Concerns are Fully Addressed

WHEREAS, clean water and healthy watersheds are a priority for the Tompkins County Water Resources Council, and

WHEREAS, the U.S. Environmental Protection Agency Region 3 has recently released draft TMDLs (a total maximum daily load sets forth the maximum amount of a “water pollutant” that can legally enter a water body) for the Chesapeake Bay watershed, and

WHEREAS New York State’s part of the Chesapeake Bay watershed includes all or portions of approximately 19 counties, and includes 650,000 residents and 2,000 New York family farms, and

WHEREAS, New York accounts for 10% of the total watershed area which is mostly forested (76%), is home to 4% of the total population in the watershed, and has agriculture (21%) as the dominant business sector, and

WHEREAS, the Federally designed TMDL, intended to limit nitrogen, phosphorous and sediment discharges into the Chesapeake Bay watershed, is now projected by the New York Farm Bureau to cost New York State as much as \$250 million by 2015, without being able to satisfy EPA’s regulatory goal, and

WHEREAS, according to the New York Farm Bureau, even if the other states affected by the Regulatory Proposal achieve their EPA-mandated allocations by 2025, their water would still contain higher nutrient loads per acre than New York’s current 2010 load per acre because of progressive natural resource management programs like New York State’s Agricultural Environmental Management Program, and

WHEREAS, according to our local Soil and Water Conservation District (SWCD), the proposal also includes requiring the important CAFO regulations, designed for very large-scale animal operations, to be extended to every animal operation in the basin, which, without significant financial help, might put the smaller operations out of business, and

WHEREAS, according to our local SWCD, if the TMDL allocations are done by county, each county will have to figure out how to comply and pay for compliance, and

WHEREAS, it is crucial that EPA work collaboratively with State agriculture and environmental protection agencies, Soil and Water Conservation Districts, and local communities to address Bay watershed water quality concerns, and

WHEREAS, the Federal Government does not ensure realistic delivery of needed funding and technical assistance and provide regulatory flexibility to allow for implementation of continually improving on-farm practices in response to site-specific environmental variables, and

WHEREAS, we support NYS Department of Environmental Conservation's recommendations in their draft Phase I Watershed Implementation Plan which recognizes the environmental stewardship of New York farmers and inherent inequality of the current EPA proposal, now therefore be it

RESOLVED, That, while the Tompkins County Water Resources Council fully supports responsible efforts to improve water quality in the Chesapeake Bay watershed and protect our State's environment and natural resources, we object to the adoption and implementation of the proposed regulations without further consultation with the affected states;

RESOLVED, further, That the Tompkins County Water Resources Council urges its Congressional and State representatives to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay TMDL and request that EPA report to them on their response and adaptations regarding the aforementioned concerns;

RESOLVED, further, That a copy of this resolution be transmitted to our two United States Senators, the Honorable Charles Schumer and the Honorable Kirsten Gillibrand; to our United States Representatives, the Honorable Maurice Hinchey and Michael Arcuri; to the Honorable Governor David Paterson; to our New York State Senators, the Honorable Michael Nozzolio, James Seward, and George Winner, Jr.; to our New York State Assembly Representative, the Honorable Barbara S. Lifton; to the Commissioner of the NYS Department of Agriculture and Markets; to the Commissioner of the NYS Department of Environmental Conservation and to EPA Region 2 Administrator Judith Enck.

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